

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

DIANE MAHELLE GARCIA,)
)
 Plaintiff,)
)
 v.)
)
 CAROLYN W. COLVIN, Acting)
 Commissioner of the Social)
 Security Administration,)
 Defendant.)

Case No: 13-CV-746-PJC

OPINION AND ORDER

On September 11, 2014, this Court reversed the decision of the Commissioner and remanded this case for further administrative proceedings under sentence four of 42 U.S.C. § 405(g) (Dkt. ## 17-18). Pursuant to Plaintiff's Motion for Attorney Fees Pursuant to the Equal Access to Justice Act ("EAJA") (Dkt. #23) and Defendant's response (Dkt. #24), the parties have agreed that an award in the amount of \$3,450.30 in attorney fees is appropriate based on 16.5 hours of attorney work and 3.5 hours paralegal work performed in this case. The Court has reviewed the pleadings and finds that Plaintiff Dianne Machelie Garcia ("Garcia") is the prevailing party and the fees sought are reasonable.

THEREFORE, IT IS ORDERED that Garcia be awarded EAJA attorney fees in the amount of \$3,450.30, in care of her counsel. If attorney fees are also awarded under 42 U.S.C. § 406(b) of the Social Security Act, Plaintiff's counsel shall refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

DATED, this 24th day of November, 2014.



Paul J. Cleary
United States Magistrate Judge